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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,407	11/14/2001	Moriaki Shimabukuro	PNDF-01180	7034

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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,407

Applicant(s)

SHIMABUKURO, MORIAKI

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/02-6/03/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent 5,732,216 to Logan.

3. Regarding Claims 1-7, Logan discloses a voice banner advertisement system, method and apparatus for performing an advertisement with voice comprising:

- a Web server constituted by Web page data transmission means for constituting contents data and advertisement data to be offered to a user to transmit the Web page data, (Fig. 1; Col. 4, lines 39-67; Cols. 5 & 6; & Col. 7, lines 1-2), and
- history information recording means for recording the number of times at which a banner advertisement is transmitted as history information, (Fig. 1; Col. 5, lines 35-38; Col. 6, lines 27-35; & Col. 8, lines 3-43), and;
- a user terminal constituted by communication means for performing data communication with the Web server through the internet, (Fig. 1; Col. 3, lines 23-67; & Col. 4, lines 1-37),

- Web page browsing means for browsing a Web page offered by the Web server, (Col. 5, lines 3-35), and
- voice synthesis means for extracting banner advertisement data from the received Web page data and converting the banner advertisement data into voice by voice synthesis to utter the banner advertisement data, (Col. 3, lines 32-41; Col. 4, lines 66-67; Col. 5, lines 1-31); and
- voice synthesis operation setting means for setting whether the voice synthesis means is made valid or not and transmitting the setting contents to the Web server, (Col. 7, lines 5-35; Col. 9, lines 18-27; Col. 10, lines 15-37; Col. 44, lines 16-60; Col. 44; & Col. 45, lines 1-16), and
- the Web server transmits the advertisement data to the user terminal only when the voice synthesis means is valid, (Col. 7, lines 5-35; Col. 9, lines 18-27; Col. 10, lines 15-37; Col. 44; Col. 44, lines 66-67; & Col. 45, lines 1-16).

4. Examiner notes that though Logan teaches advertisement data, Logan does not specifically teach banners. To incorporate banners into the Logan advertising data would have been obvious to one of ordinary skill in the art at the time of invention by Applicant as banners were well known in HTML and the use of the same for advertising and general information purposes would likewise have been a well known means by which to display information to a user.

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5. Additionally, Examiner notes that Logan teaches user supplied information pertaining to a user dataset, which dataset obviously includes information pertaining to user apparatus "speech synthesis" capabilities, and which dataset aids in distinguishing between program segments used. Further, Logan teaches defining audio programming with HTML, wherein narrative content to be presented in audio form is described utilizing HTML, and wherein it would have been obvious to have default code as well as default pages available for distribution based on user response and capabilities, (as noted within the user dataset), for purposes of supplying properly formatted and readable pages based on user apparatus capabilities. Moreover, Examiner notes that an obvious and necessary functionality within a speech synthesis capable apparatus, (such as a cellular phone), would be a means by which to activate and de-activate the speech synthesis capability per the needs and circumstances of different users of the same apparatus. Thus, Claims 1-7 are found to be unpatentable over considerable consideration of the teachings of Logan.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent US 6,400,806 B1 to Uppaluru;

US Patent US 6,335,928 B1 to Herrmann; and

US Patent US 6,175,819 B1 to Van Alstine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML



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